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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,313	10/03/2000	Christopher W. Blenk	58259.000002	5724
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Hunton & Williams 1900 K Street, N.W. Washington, DC 20006-1109				
			EXAMINER COLON, CATHERINE M	
			ART UNIT 3623	PAPER NUMBER

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/678,313

Applicant(s)

BLENK, CHRISTOPHER W.

Examiner

C. Michelle Colon

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 14, 2005 has been entered.

Claims 1 and 15 have been amended. Claims 1-36 are now pending in this application.

Response to Amendment

2. Applicant's amendments to claims 1 and 15 are acknowledged. Examiner notes that Applicant has not amended claim 36 to overcome the claim objection set forth in the previous Office Action; therefore the claim objection of claim 36 from the previous Office Action is maintained.

Claim Objections

3. Claims 22, 35 and 36 are objected to because of the following informalities: The status of the claims is incorrect. Claim 22 is indicated as currently amended and claims

35 and 36 are indicated as newly added. The status for the claims is representative of the claims of the previous response submitted on April 19, 2004.

Additionally, claim 36, a method claim, improperly depends from claim 1, a system claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 15 recite, "security means for implementing at least one security mechanism to limit the ability of users to plagiarize the work *including a timestamp associated with a time of first receipt of the work from the author...*" [Emphasis added] It is unclear how associating a timestamp with a first receipt of work from an author would limit a user from plagiarizing the author's work. Even with having the limitation, providing less than the entire work to the reader, it appears that an essential step or component to the security means may be missing that explains the functional significance of the timestamp as limiting the ability of users to plagiarize work.

For examination purposes, Examiner is interpreting the timestamp to be when a reader receives content that has been requested.

Claims 1-36 are further considered to be vague and indefinite because in claim 1, for example, it is unclear what the difference or relationship is between *a sample of work* as recited in the preamble, *a portion of work* as recited in the body of the claim and *a less than the entire work* as recited in the body of the claim. Accordingly, it also makes unclear the difference or relationships between works that are received, works that are stored and works that are presented. This also raises an issue of antecedent basis for claim 1 as it recites, "the entire work," in limitation 5. There is insufficient antecedent basis for this limitation in the claim.

Additionally, since the preamble of claim 1 recites that authors submit a sample of work, it appears that the system never receives an entire work to begin with. Further, since the work presentation means only presents a portion of the work to a reader, it questions the ability of the security means to implement a security mechanism by providing less than the entire work to the reader since it appears the system is already handling just a portion of the work.

Furthermore, it is unclear whether or not the work presentation means is linked to the security means. As claims 1 and 15 are currently recited, the work presentation means and the security means are not linked, thus enabling all readers to review all portions of works upon request and making it unclear how the security mechanism is affecting that presentation of the portions of works (i.e., limiting what is shown) to the readers.

Lastly, the claims recite users and readers. It is unclear if the users and readers are the same or different entities interacting within the system.

For examination purposes, Examiner is interpreting a sample of work, a portion of work and a less than the entire work to be synonymous.

Based on the deficiencies outlined above, the following art rejection is based on Examiner's best understanding of the invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 4, 5, 8, 10-12, 15, 16, 18, 19, 22, 24-26, 35 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kurzrok (U.S. 6,260,064).

As per claims 1 and 15, Kurzrok discloses a system and method for providing reader-supplied evaluation of a sample of an authored work for potential publication of the work comprising:

an author interface module, operably connected to the Internet, for receiving a portion of a work from an author to be reviewed via the Internet (abstract; col. 2, lines 33-57; item 20 in Figure 1; Figure 2; A content input device allows users to enter works for display on a web site.);

storage means for storing the work along with other works for review (col. 2, lines 33-57; item 16 in Figure 1; The system has a memory device for storing work for review.);

a reader interface module for receiving a request from a reader to review a work (col. 3, lines 33-40; Figure 3; A reader interacts with the web site to request and review content.);

work presentation means for presenting a portion of a work to the reader based on the reader's request (col. 2, lines 33-57; col. 2, line 65-col. 3, line 8; col. 3, lines 33-40; Figures 1-3; The web site presents to a reader requested information. In many instances, the reader views a portion of the information and must click on a link to get more information.);

security means for implementing at least one security mechanism to limit the ability of users to plagiarize the work including a timestamp associated with a time of first receipt of the work from the author and providing less than the entire work to the reader (col. 3, lines 33-40; col. 5, lines 1-8; The system employs a security mechanism to ensure only authorized users have access to the system. Additionally, a reader only receives certain information upon request, thus the system tracks the time at which readers request and receive information.);

a review receiving module for receiving evaluation of the work from the reader and placing the review in the storage means associated with the work (col. 3, lines 41-51; Figure 3); and

criteria determination means for determining whether the work meets predetermined reader-satisfaction criteria (col. 3, line 65-col. 4, line 60; The system receives a reader's ratings and determines whether the work meets predetermined reader-satisfaction criteria (i.e., how the current reader found the article to be)).

As per claims 2 and 16, Kurzrok discloses the system and method of claims 1 and 15 further comprising analysis means for generating analysis information regarding the work based on the reader-feedback (col. 3, line 65-col. 4, line 60; Figure 4A; The system performs various analyses on the work based on reader-feedback such as cumulative rating percentages.).

As per claims 4 and 18, Kurzrok discloses the system and method of claims 1 and 16 wherein the criteria determination means determines whether a predetermined number of reviews have been made prior to evaluating whether the reader-satisfaction criteria have been met (col. 3, lines 25-27; col. 4, lines 1-10; The system monitors the number of reviews received for each work and calculates the ratings at regular intervals.).

As per claims 5 and 19, Kurzrok discloses the system and method of claims 4 and 18 wherein the criteria determination means utilizes multiple rounds of criteria and determines whether a predetermined number of reviews has been made for each round prior to evaluating whether the reader-satisfaction criteria have been met (col. 3, lines 25-27; col. 3, line 65-col. 4, line 20; The system monitors the number of reviews received for each work and calculates the ratings at regular intervals.).

As per claims 8 and 22, Kurzrok discloses the system and method of claims 5 and 20 wherein the reader-satisfaction criteria are different for each round (col. 3, lines 25-27; col. 3, line 65-col. 4, line 20; col. 4, lines 52-65; The system monitors the number of reviews received for each work and calculates the ratings at regular intervals and further, assigns weights to the reviews, thus changing the satisfaction criteria.).

As per claim 10, Kurzrok discloses the system of claim 4 wherein the predetermined number of reviews is based on demographics of the readers so that the criteria determination means evaluates the reader-satisfaction criteria after certain numbers of readers from each of a plurality of demographics has evaluated the work (col. 3, lines 20-27; col. 4, lines 1-10; Figures 2, 4B and 4C; The system receives demographic data from users when they submit ratings.).

As per claim 11, Kurzrok discloses the system of claim 10 wherein the work presentation means selects a work from the storage means based on demographics of the reader and the number of readers from each demographic that the work needs to meet the demographic reader requirements (col. 2, lines 44-49; col. 3, lines 33-34; Figures 2, 4B and 4C; Readers select work that is of interest to them and therefore, is based on the demographic background of the readers.).

As per claims 12 and 26, Kurzrok discloses the system and method of claims 1 and 15 wherein the work presentation means selects a work based on genre selected by the reader (col. 3, lines 33-34; The user selects work relating to a subject of interest.).

As per claim 24, Kurzrok discloses the method of claim 22 wherein the predetermined number of reviews is based on demographics of the readers so that the criteria determination means evaluates the reader-satisfaction criteria after certain numbers of readers from each of a plurality of demographics has evaluated the work (col. 3, lines 20-27; col. 4, lines 1-10; Figures 2, 4B and 4C; The system receives demographic data from users when they submit ratings.).

As per claim 25, Kurzrok discloses the method of claim 24 wherein the work presentation means selects a work from the storage means based on demographics of the reader and the number of readers from each demographic that the work needs to meet the demographic reader requirements (col. 2, lines 44-49; col. 3, lines 33-34; Figures 2, 4B and 4C; Readers select work that is of interest to them and therefore, is based on the demographic background of the readers.).

As per claims 35 and 36, Kurzrok discloses the system and method of claim 1 wherein the at least one security mechanism comprises providing only a portion of the work to limit access of the reader to the entirety of the work (col. 4, line 66-col. 5, line 8; The system employs a security mechanism to ensure only authorized users have access to the system. Additionally, a work can only be accessed from a database and edited if the correct password is entered.).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 9, 17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzrok (U.S. 6,260,064).

As per claims 3, 9, 17 and 23, Kurzrok discloses the system and method of claims 2, 8, 16 and 22, respectively, as discussed above. Kurzrock also discloses the analysis indicating the percentage of readers that considered the work as “excellent” or “good” (col. 3, lines 15-16; col. 4, lines 18-20; Figures 2-4). Kurzrock does not expressly disclose that the readers indicate a willingness to purchase the work. However, an indication of a literary work as “excellent” or “good” conveys a similar favorable sentiment as indicating a willingness to purchase a literary work. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Kurzrock to use a willingness to purchase a work as an indicator since it would provide similar analytical results in terms of assessing readers’ sentiments towards a work.

10. Claims 6, 7, 13, 14, 20, 21 and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzrok (U.S. 6,260,064) as applied above, and Philips et al. (U.S. 6,473,084).

As per claims 6 and 20, Kurzrok discloses the system and method of claims 5 and 19 as discussed above. Kurzrok does not expressly disclose the criteria determination means removes a work from availability for presentation to a reader if the work does not meet the predetermined reader-satisfaction criteria. Philips et al. discloses removing work from presentation to a reader if the work does not meet certain reader-satisfaction criteria (col. 37, lines 6-30) in order to ensure that only work that is considered interesting/desirable by readers is presented on the website (col. 36, line 66-col. 37, line 3; col. 42, lines 19-23). Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Kurzrok to remove work that does not meet certain reader-satisfaction criteria because doing so ensures that only work that is considered interesting/desirable by readers is presented on the website, ultimately maintaining reader viewership (Philips et al., col. 43, lines 11-15).

As per claims 7 and 21, Kurzrok does not expressly disclose the system and method of claims 1 and 20 further comprising reader-feedback means for providing reader feedback to the author if a work is rejected to enable the author to revise the work for resubmission. Philips et al. discloses reader-feedback means for providing reader feedback to the author if a work is rejected to enable the author to revise the work for resubmission (col. 10, line 62-col. 11, line 12; col. 36, lines 24-59; col. 38, lines 1-16). At the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system to use reader-feedback so that the author can revise work for submission because doing so ensures that only work that is considered

interesting/desirable by readers is presented on the website, ultimately maintaining reader viewership (Philips et al., col. 43, lines 11-15).

As per claims 13, 14, 27 and 28, Kurzrok does not expressly disclose the system and method of claims 1 and 15 further comprising a membership module that creates a membership for the author prior to work submission that includes a contract in which the member/submitter agrees to pay a percentage of royalties earned from the work when it is published; and wherein the membership module also collects a fee for each submission of a work for review from the member. Philips et al. discloses a membership module where authors agree to a contract that contains various terms and stipulations for submitting work (col. 37, lines 6-42; col. 40, line 59; col. 42, lines 25-54). At the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system to have the authors be members who adhere to terms of a contract because doing so ensures a certain standard of quality of submitted work, which provides readers with relevant and interesting reading (Philips et al., col. 43, lines 11-15).

As per claims 29-33, Kurzrok does not expressly disclose the method of claim 15 further comprising the step of assisting in publication online of the work if predetermined reader-satisfaction criteria are established; comprising the step of issuing a certification of approval from a host entity; further comprising the step of licensing the publisher with the right to post the certification with the work. Philips et al. discloses publishing works online meeting predetermined criteria, indicating works that have been approved as having a high rating, and licensing works (col. 37, lines 6-48; col. 38, line 17-col. 39, line

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64). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to publish online and license the works meeting predetermined criteria and indicating a certification of approval because doing so provides recognition to authors of work considered as having a high quality, thus encouraging authors to submit work of a high quality (Philips et al., col. 43, lines 11-15).

As per claim 34, Kurzrok discloses the method of claim 33 further comprising deriving revenue from the publication of the work (col. 4, lines 48-60; Authors are paid fees for their works that have been presented and rated.).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ginter et al. (U.S. 5,892,900) discusses a system and method for secure transactions and electronic rights protection;
- Cassorla et al. (U.S. 5,146,552) discusses a method for managing electronically published material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 23, 2005



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